

## SUMMARY STATEMENT

*State of Idaho v. Eugene Ralph Ruff*  
Docket No. 47028

Eugene Ralph Ruff appeals his sentence for second degree murder. The parties entered into a stipulated settlement agreement in which Ruff agreed to plead guilty. The parties agreed the district court could impose an indeterminate life sentence with a determinate sentence of ten to eighteen years. The district court subsequently imposed an indeterminate life sentence with a determinate sentence of eighteen years. After an unsuccessful motion for reconsideration, Ruff timely appeals.

Ruff challenges the determinate sentence as excessive and argues the district court abused its discretion, citing several mitigating factors. Based on a review of the record, we conclude the district court properly considered the mitigating factors and the sentencing objectives of protecting society and of achieving punishment, deterrence, and rehabilitation.

Ruff alternatively argues the district court's comment about the appropriate length of a sentence is an abuse of discretion because it demonstrates the court was imposing a personal, mandatory minimum sentence inconsistent with Idaho law. We disagree with Ruff's characterization of the district court's comment. Moreover, the comment alone is inadequate to establish an abuse of discretion because the court properly considered the mitigating factors and the sentencing objectives. The Court holds that the district court did not abuse its sentencing discretion.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*